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10/631,202	07/31/2003	John C. Fallin	03178-PA	2181

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EXAMINER

CORBIN, ARTHUR L

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/631,202
Filing Date: July 31, 2003
Appellant(s): FALLIN, JOHN C.

Robert Gamson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 16, 2006 appealing from the Office action mailed November 2, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

3,196,018

GALLER

7-1965

Potassium Carbonate Handbook, Armand Products Company, September, 2000.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 and 4-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Galler in view of Armand. Galler discloses a granular animal feed supplement including less than 10% of a coating, e.g. 2.5%, that may be just hydrogenated fat (col. 3, lines 4-12 and 32 and Ex. VII)). The coating is intended to protect the feed supplement from deterioration from water and moisture. The fat used in Galler may be hydrogenated tallow (col. 3, line 32), as disclosed by appellant on page 3 of the specification, and which is liquid at 180F. Galler does not disclose that the feed supplement is inorganic e.g. anhydrous potassium carbonate, as claimed by appellant. Armand discloses the use of anhydrous potassium carbonate as an animal feed supplement and that the carbonate is susceptible to degradation upon contact with water, which Armand desires to prevent (page 3, col. 2, lines 19-31; page 5, Food column; and page 15, col. 1, paragraph 2, lines 3-10). It would have been obvious to use the hydrogenated fat coating of Galler to coat the carbonate feed supplement of Armand since said coating will protect the carbonate feed supplement from moisture or water deterioration, a problem with which Armand is concerned, as evidenced by Galler.

(10) Response to Argument

Appellant's contention that the coating used in Galler must be a mixture of the coating materials disclosed in Galler (col. 3, lines 28-35) is without merit. Most of the

examples in Galler use only one coating material thereby rendering it obvious to use only hydrogenated fat, if selected as the coating material. Appellant's contention that there is no motivation to combine the references is also without merit. The use of hydrogenated fat as a coating on the anhydrous potassium carbonate in Armand will clearly protect the carbonate from moisture and water degradation, as set forth in the rejection above, thereby providing motivation to so coat the carbonate.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Arthur L. Corbin



Conferees:

Milton Cano



Greg Mills

